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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,159	08/28/2003	Bradley D. Schweigert	KMC-596	7051

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EXAMINER

HUNTER, ALVIN A

ART UNIT PAPER NUMBER

3711

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,159

Applicant(s)

SCHWEIGERT, BRADLEY D.

Examiner

Alvin A. Hunter

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2004.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-11 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison (USPN 2820638) in view of applicant's admission.

Regarding claim 1, Morrison discloses a putter club head comprising a club head body having a body axis, wherein the shaft axis defines a lie angle with respect to the body axis and the leg portion configured to deform plastically to allow adjustment of the lie angle and having a predetermined forward slant angle with respect to the body axis such that the lower shaft portion inherently remains concealed when view from directly above the club head body within a range of adjustment of the lie angle (See Figures 1 and 4). Morrison does not disclose having a hosel connecting the shaft to the club head. Applicant admits that a leg and boss are common for constructing hosels within the art. Therefore, one having ordinary skill in the art would have found it obvious to have a hosel constructed with a leg and boss, as admitted by the applicant, because it is common within the art of club heads.

Regarding claims 2-4 and 7, Morrison discloses the predetermined forward slant angle being at 1 to 3 degrees (See Column 3, lines 34 through 45).

Regarding claim 5, Applicant does not disclose why it is critical for the leg portion to only be rectangular in order to attain the invention. One having ordinary skill in the art would have found it such to be an obvious matter of design choice being that the typical hosel is cylindrical. One having ordinary skill in the art would have found it obvious to have the leg portion of the hosel of any shape so long as it facilitates attachment of the shaft to the club head.

2. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison (USPN 2820638) in view of applicant's admission further in view of Chuzo (JP 02-068080).

Regarding claim 6, Morrison in view of applicant's admission does not disclose the leg portion having a horizontal portion. Chuzo disclose a putter having a hosel with a horizontal portion 2 (See Abstract and Figure 3). One having ordinary skill in the art would have found it obvious to have a horizontal portion, as taught by Chuzo, in order to line up the golf club with the target.

3. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson (The Modern Guide to Golf Clubmaking) in view of applicant's admission.

Regarding claim 8, Jackson disclose a method for customizing a golf club head comprising providing a golf club head including a club head body having a body axis wherein a shaft or shaft connecting portion is attached to the club head, determining a target lie angle, and adjusting the lie angle to the target lie angle by plastically deformation. Jackson does not explicitly disclose the club having a hosel constructed of a leg portion and boss portion. Applicant admits that a leg and boss are common for

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constructing hosels within the art. Therefore, one having ordinary skill in the art would have found it obvious to have a hosel constructed with a leg and boss, as admitted by the applicant, because it is common within the art of club heads. Furthermore, Jackson does not disclose a hosel having a leg portion of a forward slant. It should be noted that a forward slant is not necessary in order to deform the leg portion and, therefore, could be deformed having any predetermined angle with respect to the body axis.

Regarding claim 9-11, Jackson does not disclose a lie change of a specific degree, therefore, one having ordinary skill in the art would have drawn therefrom that the lie angle may be deformed to any angle degree desired. One having ordinary skill in the art would have found it obvious to deform the lie to any desired angle in order to accommodate the user of the club.

4. Claims 1-5 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison (USPN 2820638) in view of applicant's admission further in view of Jackson (The Modern Guide to Golf Clubmaking).

Regarding claim 1, Morrison discloses a putter club head comprising a club head body having a body axis, wherein the shaft axis defines a lie angle with respect to the body axis and the leg portion configured to deform plastically to allow adjustment of the lie angle and having a predetermined forward slant angle with respect to the body axis such that the lower shaft portion inherently remains concealed when view from directly above the club head body within a range of adjustment of the lie angle (See Figures 1 and 4). Morrison does not disclose having a hosel connecting the shaft to the club head. Applicant admits that a leg and boss are common for constructing hosels within

the art. Therefore, one having ordinary skill in the art would have found it obvious to have a hosel constructed with a leg and boss, as admitted by the applicant, because it is common within the art of club heads. Jackson disclose a method for customizing a golf club head comprising providing a golf club head including a club head body having a body axis wherein a shaft or shaft connecting portion is attached to the club head, determining a target lie angle, and adjusting the lie angle to the target lie angle by plastically deformation. One having ordinary skill in the art would have found it obvious to have use the method disclosed by Jackson for that taught by Morrison and the applicant's admission, in order to customize the golf club.

Regarding claims 2-4, 7, and 9-11, Morrison discloses the predetermined forward slant angle being at 1 to 3 degrees (See Column 3, lines 34 through 45).

Regarding claim 5, Applicant does not disclose why it is critical for the leg portion to only be rectangular in order to attain the invention. One having ordinary skill in the art would have found it such to be an obvious matter of design choice being that the typical hosel is cylindrical. One having ordinary skill in the art would have found it obvious to have the leg portion of the hosel of any shape so long as it facilitates attachment of the shaft to the club head.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art applied to claim 1, as stated above, in view of Chuzo (JP 02-068080).

Regarding claim 6, the prior applied to claim 1 does not disclose the leg portion having a horizontal portion. Chuzo disclose a putter having a hosel with a horizontal portion 2 (See Abstract and Figure 3). One having ordinary skill in the art would have

found it obvious to have a horizontal portion, as taught by Chuzo, in order to line up the golf club with the target.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is 703-306-5693. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Vidovich, can be reached on 703-308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AAH
Alvin A. Hunter, Jr.


GREGORY VIDOVICH
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